**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929**

**OP.No. 15679 of 1999(N)**
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**PETITIONER:**
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**C.N.MOHANACHANDRAN PILLAI,**
**FORMERLY JUNIOR SUPERINTENDENT,**
**KOTTARAKKARA BLOCK PANCHAYAT OFFICE,**
**NOW RESIDING AT 'ASWATHY',**
**AMBALATHUMBHAGOM P.O., VIA. PORUVAZHI,**
**KOLLAM DISTRICT.**

**BY ADV. SRI.S.VIJAYA KUMAR**

**RESPONDENTS:**
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PANCHAYATS, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF PANCHAYATS, KOLLAM.**

**BY SR. GOVERNMENT PLEADER SRI.V.T. MOHANAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**O.P.NO.15679/1999 N**

**ORDER ON C.M.P.NO.25479/1999 IN O.P.NO.15679/1999 N**

**DISPOSED OF VIDE JUDGMENT**

**01/06/2007** **SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF THE INTERIM ORDER IN CRL.M.P.NO.3741/98 IN CRL.A.NO.784/98 DTD. 24/09/1998 OF THE HIGH COURT OF KERALA.**

**EXT.P2:** **COPY OF THE ORDER NO.D5-13359/96 DTD. 15/10/98 ISSUED BY THE 2ND RESPONDENT.**

**EXT.P3:** **COPY OF THE MEMORANDUM OF APPEAL DTD. 23/10/1998 FILED BY THE PETITIONER.**

**EXT.P4:** **COPY OF THE ORDER G.O.(RT) NO.767/99/LAD DTD. 8/03/99 ISSUED BY THE 1ST RESPONDENT.**

**EXT.P5:** **COPY OF THE CRIMINAL MISCELLANEOUS PETITION NO.3741 OF 1998 IN CRL.A.NO.784 OF 1998 DTD. 22/09/1999.**

**/TRUE COPY/**

*KSS*

**THOTTATHIL B. RADHAKRISHNAN, J.**

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O.P.No. 15679 of 1999 (N)

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Dated this the 1st day of June, 2007

**J U D G M E N T**

The petitioner was placed under suspension and was later removed from service on account of conviction and sentence imposed by a criminal court. In his appeal to this Court, the conviction and sentence imposed on the petitioner has been suspended as per Ext.P1 order. This original petition is filed seeking to quash Exts.P2 and P4 orders, whereby, the Government decided that suspension of conviction and sentence by the appellate criminal court is not a bar to remove a person from service on account of conviction.

2. As of now, the Government, going by the letter No.3434/J3/99/LAD, issued by the Secretary to Government to the Advocate General, Ernakulam, which has been placed before me by the learned Government Pleader shows that, following the

order issued on 30/06/1999, on CMP 25479/1999, in this case, the Director of Panchayats had been issued with directions to reappoint the petitioner in service. The learned counsel for the petitioner submits that as of now, the petitioner is in service. This is recorded.

The aforesaid interim order granted on CMP.25479/1999, is made absolute and the petition is, therefore, disposed of directing that the status quo as on today will continue. It is clarified that this judgment does not, in any way, affect the right of the Government to take any such action, as it may deem just, necessary and appropriate and in accordance with law, in terms of the judgment that may be rendered in the criminal appeal.

**THOTTATHIL B.RADHAKRISHNAN**
**Judge**

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**THOTTATHIL B. RADHAKRISHNAN, J.**

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O.P.No. 15679 of 1999 (N)

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**J U D G M E N T**

1st June, 2007